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SENATE BILL 27

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO THE GENERAL APPROPRIATION ACT OF 2009; ENACTING NEW SECTIONS TO REDUCE CERTAIN GENERAL FUND APPROPRIATIONS FOR FISCAL YEAR 2010 AND TO MAKE APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the General Appropriation Act of 2009 is enacted to read:

"[NEW MATERIAL] APPROPRIATION REDUCTIONS.--The amounts set out under the general fund column in Section 4 of the General Appropriation Act of 2009 are reduced as follows rounded to the nearest one hundred dollars (\$100):

A. in Subsection A, Legislative, legislative building services is reduced by four and five-tenths percent;

B. in Subsection B, Judicial, all judicial agencies, district courts and district attorneys are reduced by

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1 two and five-tenths percent except:

2 (1) the New Mexico compilation commission,
3 the judicial standards commission and the administrative office
4 of the district attorneys are reduced by four and five-tenths
5 percent; and

6 (2) the court of appeals, the supreme court
7 building commission and the second judicial district court are
8 reduced by five-tenths percent;

9 C. in Subsection C, General Control, all agencies
10 funded by the general fund are reduced by four and five-tenths
11 percent except for the following:

12 (1) the attorney general is reduced by one and
13 eight-tenths percent;

14 (2) the state auditor, the public defender
15 department and the secretary of state are reduced by two and
16 five-tenths percent;

17 (3) the department of finance and
18 administration, except agency code 344, is reduced by four and
19 five-tenths percent; and

20 (4) the department of finance and
21 administration dues and membership fees and special
22 appropriations is reduced as follows:

23 (a) items (l) through (s), (u) through
24 (x), (z) and (aa) are reduced by four and five-tenths percent;

25 (b) item (y) is reduced by one hundred

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1 percent; and

2 (c) all other items are not reduced;

3 D. in Subsection D, Commerce and Industry, all
4 agencies funded by the general fund are reduced by four and
5 five-tenths percent;

6 E. in Subsection E, Agriculture, Energy and Natural
7 Resources, all agencies funded by the general fund are reduced
8 by four and five-tenths percent;

9 F. in Subsection F, Health, Hospitals and Human
10 Services, all agencies funded by the general fund are reduced
11 by four and five-tenths percent except for the following:

12 (1) the commission for the blind and the
13 vocational rehabilitation division of the public education
14 department are reduced by five-tenths;

15 (2) the developmental disabilities planning
16 council is reduced by three and seven-tenths percent;

17 (3) the veterans' services department is
18 reduced by two and five-tenths percent;

19 (4) the children, youth and families
20 department is reduced by three and five-tenths percent;

21 (5) the department of health is reduced as
22 follows:

23 (a) all programs except the
24 developmental disabilities support program are reduced by three
25 and three-tenths percent; and

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1 (b) the other financing uses category in
2 the developmental disabilities support program is reduced by
3 two million dollars (\$2,000,000), which will be offset by two
4 million dollars (\$2,000,000) from federal funds of the human
5 services department;

6 (6) the workforce solutions department is
7 reduced by twenty-seven and five-tenths percent; and

8 (7) the human services department is reduced
9 as follows:

10 (a) the behavioral health services
11 program, the income support program, the child support
12 enforcement program and program support are reduced by four and
13 five-tenths percent; and

14 (b) the other category in the medical
15 assistance program is reduced by fourteen million dollars
16 (\$14,000,000), which will be offset by twelve million dollars
17 (\$12,000,000) from federal funds;

18 G. in Subsection G, Public Safety, all agencies are
19 reduced by four percent except for the following:

20 (1) parole board and juvenile public safety
21 advisory board are reduced by five-tenths percent;

22 (2) the corrections department is reduced by
23 three and seven-tenths percent; and

24 (3) the department of public safety is reduced
25 by three and five-tenths percent;

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1 H. in Subsection I, Other Education, reductions are
2 as follows:

3 (1) the public education department, except
4 for agency code 925, is reduced by four and three-tenths
5 percent;

6 (2) apprenticeship assistance is reduced by
7 six and five-tenths percent;

8 (3) public education department special
9 appropriations are each reduced by six and five-tenths percent;
10 and

11 (4) regional education cooperatives are each
12 reduced by six and five-tenths percent;

13 I. in Subsection J, Higher Education, reductions
14 are as follows:

15 (1) the higher education department is reduced
16 by four and five-tenths percent;

17 (2) every public post-secondary educational
18 institution is reduced by three and four-tenths percent in its
19 instruction and general purposes category and six and five-
20 tenths percent in every other category, including research and
21 public service projects, with the institution determining
22 reductions in each item of the category; and

23 (3) every special school is reduced by three
24 and four-tenths percent in its instruction and general purposes
25 category and six and five-tenths percent in every other

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1 category, including research and public service projects, with
2 the school determining reductions in each item of the category;

3 J. in Subsection K, Public School Support,
4 reductions are as follows:

5 (1) the state equalization guarantee
6 distribution is reduced by two percent;

7 (2) the transportation distribution, including
8 operational, school-owned bus replacements and rental fees; the
9 supplemental distribution, including out-of-state tuition and
10 emergency supplemental; the instructional material fund; dual
11 credit instructional materials; the Indian education fund; and
12 the schools in need of improvement fund are reduced by six and
13 five-tenths percent; and

14 (3) the educational technology fund is reduced
15 by one hundred percent; and

16 K. in addition to the general fund reductions in
17 Paragraph (2) of Section I of this section for instruction and
18 general purposes, the instruction and general purposes category
19 at each public post-secondary educational institution shall be
20 further reduced proportionally by ten million one hundred
21 thousand dollars (\$10,100,000). In addition to the general
22 fund reductions in Paragraph (1) of Subsection J of this
23 section, the state equalization guarantee distribution shall be
24 further reduced by forty-five million five hundred thousand
25 dollars (\$45,500,000)."

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1 Section 2. A new section of the General Appropriation Act
2 of 2009 is enacted to read:

3 "[NEW MATERIAL] APPROPRIATION REDUCTION--SECTION 5.--The
4 appropriation in Section 5 of the General Appropriation Act of
5 2009 to the department of information technology for the New
6 Mexico computing applications center is reduced by one million
7 five hundred thousand dollars (\$1,500,000)."

8 Section 3. A new section of the General Appropriation Act
9 of 2009 is enacted to read:

10 "[NEW MATERIAL] FEDERAL STIMULUS FUNDS--AMERICAN RECOVERY
11 AND REINVESTMENT ACT OF 2009.--

12 A. Of the amount remaining from the public safety
13 and other government services allocation from the federal
14 American Recovery and Reinvestment Act of 2009, twenty-five
15 million dollars (\$25,000,000) is allocated to the appropriation
16 account of the general fund for fiscal year 2010.

17 B. In fiscal year 2010, of the ninety-three million
18 two hundred thousand dollars (\$93,200,000) remaining from the
19 federal American Recovery and Reinvestment Act of 2009
20 allocation to the state through the education fund of the state
21 fiscal stabilization fund, forty-five million five hundred
22 thousand dollars (\$45,500,000) shall be distributed to school
23 districts and charter schools through the state equalization
24 guarantee distribution and ten million one hundred thousand
25 dollars (\$10,100,000) shall be distributed proportionally to

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1 public post-secondary educational institutions in the
2 instruction and general purposes category."

3 Section 4. A new section of the General Appropriation Act
4 of 2009 is enacted to read:

5 "[NEW MATERIAL] TOBACCO SETTLEMENT PROGRAM FUND--
6 APPROPRIATION TO MEDICAID.--Four million dollars (\$4,000,000)
7 is appropriated from the tobacco settlement program fund to the
8 human services department for expenditure in fiscal year 2010
9 for the medical assistance program. Any unexpended or
10 unencumbered balance remaining at the end of fiscal year 2010
11 shall revert to the tobacco settlement program fund."

12 Section 5. A new section of the General Appropriation Act
13 of 2009 is enacted to read:

14 "[NEW MATERIAL] PUBLIC SCHOOLS--EMERGENCY SUPPLEMENTAL.--
15 Three million dollars (\$3,000,000) is appropriated from the
16 general fund to the emergency supplemental distribution of the
17 public school fund for expenditure in fiscal year 2010 by the
18 public education department to make emergency distributions to
19 school districts or state-chartered charter schools in
20 financial need, but no money shall be distributed to any school
21 district or state-chartered charter school having cash and
22 invested reserves, or other resources or any combination
23 thereof, equaling five percent or more of the school district's
24 or state-chartered charter school's operational budget. Any
25 unexpended or unencumbered balance remaining at the end of

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1 fiscal year 2010 shall revert to the general fund."

2 Section 6. A new section of the General Appropriation Act
3 of 2009 is enacted to read:

4 "[NEW MATERIAL] APPROPRIATION.--Two million dollars
5 (\$2,000,000) is appropriated from the federal American Recovery
6 and Reinvestment Act of 2009 unemployment insurance
7 modernization funding to the workforce solutions department for
8 operating expenditures in fiscal year 2010."

9 Section 7. A new section of the General Appropriation Act
10 of 2009 is enacted to read:

11 "[NEW MATERIAL] ADDITIONAL APPROPRIATION REDUCTIONS.--If
12 the reductions in budgets in this 2009 special session act are
13 insufficient to ensure that the projected balance of the
14 appropriation account of the general fund is not negative, the
15 governor shall reduce the recurring general fund appropriations
16 contained in the General Appropriation Act of 2009 for each
17 state agency under the direct control of the governor in a
18 total amount up to eighty-five million dollars (\$85,000,000) in
19 addition to any other reduction in this 2009 special session
20 act.

21 Section 8. A new section of the General Appropriation Act
22 of 2009 is enacted to read:

23 "[NEW MATERIAL] OPERATING BUDGETS AND ALLOTMENTS REDUCED
24 TO COMPLY--OTHER REDUCTIONS TO CONFORM--DEPARTMENT OF FINANCE
25 AND ADMINISTRATION.--The department of finance and

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1 administration shall reduce fiscal year 2010 operating budgets
2 and adjust allotments to comply with the provisions of this
3 2009 special session act and may reduce appropriations from
4 other state funds, internal service/interagency transfers and
5 federal funds as necessary to match the general fund reductions
6 in the fiscal year 2010 operating budgets. The legislative
7 finance committee shall review the adjusted operating budgets
8 in a timely manner."

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